IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1518 OF 2007

Kanayalal Chetandas Jaisinghani ...Petitioner

Versus

Chuharlal Chetandas Jaisinghani & Anr. ...Respondents

Petitioner-in-person.
First Respondent-in-person.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 03, 2007.

P.C.:

1. Heard Petitioner-in-person. By this Writ Petition under Article 227 of the Constitution of India the Petitioner has challenged order dated 03rd February, 2007 passed below Application at Exhibit 1327. The said Application was made by the petitioner under Order 18 Rule 18 of the Code of Civil Procedure, 1908. Prayer in the said Application is that the learned trial judge should inspect the property personally. By the impugned order the said prayer has been turned down. While rejecting the Application on merits, the learned trial Judge has expressed concern about the manner in which the trial is proceeding as one after the other Applications have been filed by the Petitioner and the first Respondent who are appearing in person.

2. It is well settled position of law that power under Rule 18 of Order 18 has to be exercised only in exceptional cases. Apart from this aspect, the order impugned is purely of an interlocutory nature. The said order can be always challenged by the Petitioner in an Appeal which may be preferred against the decree passed in the suit, if the said decree is adverse to the Petitioner. In view of this position, Writ Petition cannot be entertained. Subject to what is observed above, Writ Petition is rejected.

3. Liberty to the parties to apply to the trial Court for expeditious disposal of the suit. All questions on merits of the pending suit are expressly kept open.

JUDGE